

Remarks

In view of the amendments and the remarks below, the Applicant respectfully requests reconsideration of the rejections and the case pass to issue. Each of the rejections set forth by the Examiner are addressed in light of the rejection or in light of the relevant independent claims to which the rejections apply.

Objection To Specification

The Examiner objects to the Abstract for repeating information recited in the title of the application. The MPEP only sets forth guidelines that "should" be followed when drafting the Abstract. The Applicant believes that the Abstract of record is sufficient and that it is not necessary to amend it in order to simply remove the language recited in the title. The contested language is not unclear or inconcise.

Independent Claim 1

Independent claim 1 relates to a method of Internet Protocol (IP) provisioning for use in a cable network having a network provisioning unit (NPU) in communication with a plurality of embedded settop boxes (eSTBs). The method includes receiving eSTB IP provisioning requests from eSTBs provided by at least two different vendors and transmitting eSTB IP provisioning data from the NPU to the eSTBs requesting eSTB IP provisioning. Both the provisioning request and the provisioning data is communicated according to a first (common) protocol such that provisioning of the eSTB is standardized for each vendor.

Independent claim 1 stands rejected under 35 U.S.C. § 102(a) as being anticipated by USPA 2003/0048380 to Tamura. In order to properly reject independent claim 1, the Tamura application must particularly point out each element recited in independent claim 1. The Tamura patent only discloses the use of eSTBs from the same vendor. Since the Tamura patent fails to

provision eSTBs provided by different vendors, the Tamura patent fails to meet the requirements necessary to anticipate independent claim 1.

The Tamura patent relates to a system of self-provisioning television settop boxes (STBs). (Abstract.) When a user obtains a new STB and wishes to configure the STB to operate with his or her local cable television system, the Tamura patent utilizes a self-provisioning process that allows the STB to be provisioned through signals communicated over the television system. (¶ 25.)

While the Tamura patent may relate to provisioning STBs, the disclosure of the Tamura patent is limited in that it is only directed toward recent changes in regulations that require STB devices to operate in multiple cable systems. The goal is to allow a user to purchase an STB from any retail outlet and connect it directly to any of several cable systems without the need for a service call or special order or visit to a cable company. (¶ 2.) No portion of the Tamura patent identifies or recognizes the need to provision a settop box provided by different vendors.

As noted above and as clearly pointed out in ¶ 2 of the Tamura application, the Tamura application is only directed toward provisioning STBs to work with different cable systems. In the sense that the Tamura application discloses multiple vendors, the Tamura application only does so with respect to the multiple vendors of cable services and not multiple vendors of STBs. Because the Tamura application is silent with respect to whether the STBs are from multiple vendors, the Applicant respectfully submits that the Tamura patent fails to meet the requirements of 35 U.S.C. § 102(a). The Tamura application fails to disclose the limitations of claim 1 directed towards provisioning eSTBs provided by different vendors. As such, the Applicant respectfully submits that independent claim 1 and the claims that depend therefrom are patentable and non-obvious over the Tamura application.

Independent Claim 14

Independent claim 14 relates to a system for Internet Protocol (IP) provisioning over a cable network. The system includes a network provisioning unit (NPU) that transmits eSTB IP provisioning data that supports provisioning eSTBs provided by different vendors. Independent claim 14 stands rejected on the same basis as independent claim 1 and is believed to be patentable at least for the reasons noted above with respect to independent claim 1 since the Tamura application fails to disclose or provide any suggestion for supporting provisioning of STBs provided by different vendors. As such, the Applicant respectfully submits that independent claim 14 and the claims that depend therefrom are patentably non-obvious over the Tamura application.

Conclusion

In view of the foregoing, the Applicant respectfully submits that each rejection has been fully replied to and traverse that the case is in condition to pass to issue. The Examiner is respectfully requested to pass the case to issue and is invited to contact the undersigned if it would further the prosecution of the case to issue.

The Petition fee of \$120.00 is being charged to Deposit Account No. 02-3978 via electronic authorization submitted concurrently herewith. The Commissioner is hereby authorized to charge any additional fees or credit any overpayments as a result of the filing of this paper to Deposit Account No. 02-3978.

Respectfully submitted,

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